

Assembly Bill No. 361

Passed the Assembly July 9, 2007

Chief Clerk of the Assembly

Passed the Senate June 28, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 9202 of the Probate Code, relating to decedents' estates.

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Ma. Decedents' estates: creditor claims.

Existing law requires the general personal representative or the estate attorney of a decedent's estate to provide notices to the Director of Health Care Services and the Director of the California Victim Compensation and Government Claims Board, under specified circumstances, not later than 90 days after the date letters of administration are first issued.

This bill would require that the general personal representative or estate attorney give the Franchise Tax Board notice of the administration of the estate, as specified, not later than 90 days after the date letters of administration are first issued. This requirement would apply to estates for which letters of administration are first issued on or after July 1, 2008.

The people of the State of California do enact as follows:

SECTION 1. Section 9202 of the Probate Code is amended to read:

9202. (a) Not later than 90 days after the date letters are first issued to a general personal representative, the general personal representative or estate attorney shall give the Director of Health Care Services notice of the decedent's death in the manner provided in Section 215 if the general personal representative knows or has reason to believe that the decedent received health care under Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions Code, or was the surviving spouse of a person who received that health care. The director has four months after notice is given in which to file a claim.

(b) Not later than 90 days after the date letters are first issued to a general personal representative, the general personal representative or estate attorney shall give the Director of the

California Victim Compensation and Government Claims Board notice of the decedent's death in the manner provided in Section 216 if the general personal representative or estate attorney knows or has reason to believe that an heir is confined in a prison or facility under the jurisdiction of the Department of Corrections and Rehabilitation or confined in any county or city jail, road camp, industrial farm, or other local correctional facility. The director of the board shall have four months after that notice is received in which to pursue collection of any outstanding restitution fines or orders.

(c) (1) Not later than 90 days after the date letters are first issued to a general personal representative, the general personal representative or estate attorney shall give the Franchise Tax Board notice of the administration of the estate. The notice shall be given as provided in Section 1215.

(2) The provisions of this subdivision shall apply to estates for which letters are first issued on or after July 1, 2008.

Approved _____, 2007

Governor